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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MAY 28 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
27 May 1993

FCC MAIL BRANCH

In the matter of)
)
 A Response by the Tight Ten Off Road)
 Racing Team to a NOTICE OF PROPOSED)
 RULE MAKING by the Replacement of Part)
 90 by Part 88 to Revise the Private)
 Land Mobile Radio Services and Modify)
 the Policies Governing Them)
)

PR Docket No. 92-235

1. The Tight Ten Off Road Racing Team ("TT") was issued a License (KK44595), by the Commission, effective 27 June 1989, to operate a limited number of two way Radios ("Radios") on the Private Land Mobile Radio (PLMR) Services VHF Band, in support of their Off Road Racing activities in certain locations in Southern California, Arizona, and Nevada. As such TT is vitally interested in the proposed Rule Making contained in the Commission's PR Docket 92-235.

2. TT hereby presents to the Commission the following comments, and recommendations, to be considered by the Commission during the proposed Rule Making, and changes which should be implemented prior to the enactment of Rule 88.

3. So that the Commission might better understand how, and why, TT should fit into this regulatory picture, it will be necessary for the respondent to provide a bit of background information.

4. What can be called the "World Series of Off Road Racing" ("WSORR") is some eight Races that are run each year. Five of these Races are held in the United States of America (USA), and

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three in the United States of Mexico (USM), in the state of Baja California Norte. The premier Race of this series is the world famed Baja 1000. This Race evolved informally in the late 1950s, and since 1967, has been run annually. SCORE International is the promoter for all eight of these races.

5. Vehicles in the WSORR races need pit support just as any automobile racer does in an automobile racing event. The problem the Off Road racers are faced with is that the Off Road race courses don't pass the same place every few miles like they do in the stock car races, Grand Prix, or Indy, type races. Multi lap races, in the WSORR, have laps that are usually more than 100 miles long. Laps of this length might go into two valleys, or around a small mountain range. Race cars can not always talk directly to their pits. To correct this problem TT places a person on a hill in, or near the course, where it is possible to talk, with PLMR, to all locations on the course.

6. These roads subject the race cars to severe punishment. Punishment that causes breakages that are more varied than those that show up in the races that are normally shown on TV.

7. Accidents in the WSORR are not quite as numerous as those shown in the stock car races on TV. Those that do happen are just as much of an eminent danger to property and life. The problem here is these accidents might happen anywhere on the course. Prior to the use of PLMR VHF radios, notices of accidents on the race course were taken to the next check point by passing race cars. This way the help was hours away. With the

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use of VHF PLMR radios, and helicopters, help, now, is on its way in a matter of minutes.

8. For this to work correctly, the WSORR support crews need to have frequencies that are not shared. since almost all of the

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lines to the consumers, so that new equipment can be purchased and be put into operation. This sort of business activity is what is so much needed in today's world.

12. The engineers that TT has discussed the proposed changes that are in the proposed Part 88 are not so optimistic about the effectivity of a simple screwdriver, and diddlestick, change that has been talked about. Most have negative comments have had to do with the reduced bandwith disturbing the intelligibility of the received transmission. Basically, what has been said is that after a the changes have been made to a set of receivers, and transmitters, that the person receiving a voice transmission might have a hard time identifying the voice of the person making the transmission. This is a possiblity. In short, new, or modified equipment might be necessary for the continued long time useage of the presently authorized frequencies.

13. If this is true, the need for new FM equipment will not be the day after the new digital frequencies are authorized. Certainly it will not be until sometime after the digital equip-

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15. This is all conditioned on the proposed Part 88 becoming a reality. TT feels that this step would go a long way towards bringing the communications systems in the USA, and soon thereafter in the USM, quickly into the Twenty First Century.

16. So that this can be effected in a smooth, and efficacious, manner, the licensing method must be brought up to date in a similar way.

17. In the early 1970s a Commission (not in any way connected with the FCC) made a report to the President of the USA. The preamble of one of the chapters contained a statement that said, "We must guard against the regulation of cable TV from becoming an end unto itself." This same warning must apply here to the FCC and its new regulations, and how they will be administered.

18. With the age of the FAX, the credit card, and the desktop computer, the FCC must speed up, and simplify, the licensing process. When a radio is purchased, by someone that doesn't have a PLMR license, he should be able to call the FCC on a 800 number. After a few questions the caller will give his Visa, Master, or Discovery, Card number. A \$25.00 charge will be made, (this will result in a positive cash flow increase to the FCC) and then the caller will be given a frequency to use, and a CTA call sign to go with it. This will be good for 180 days.

19. If there is a conflict with the frequency that has been asked for, the FCC should point this out to the caller. The FCC should suggest that the caller consider the use of another Part

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90 frequency, or even a new Part 88 frequency.

20. It should not be beyond consideration to eliminate the use of coordination agencies. The writer thoroughly understands the import of this, but the use of these agencies, beside slowing down the licensing process, must be looked upon as being part of regulation becoming an end unto itself.

21. Within 5 working days from the date the telephone call was received by the FCC, the FCC will send to the card holder, a CTA certificate, and a Licensing Package with a copy of either Part 90, or Part 88, along with detailed, step by step, instructions on how to obtain a standard five year PLMR License to use the frequency requested.

22. The five year License will cost the Licensee \$100.00. And this will be charged to the applicant by use of a credit card. This will result in a positive cash flow to the FCC of some \$10,000,000 per year.

23. In one of the recent FCC publicity releases, that contained information on the proposed Part 88, it was stated that there are some 750,000 licenses issued for use on the PLMR frequencies. Regardless of what anyone might feel to the contrary, there are, in all probability, another 750,000 unlicensed, or incorrectly licensed, operators using these same frequencies.

24. If the FCC were to issue a publicity release, coincidental with the adoption of the Part 88 Rules proclaiming a one year amnesty for unlicensed users of the PLMR frequencies, this might just be what is needed to help stop the proliferation of CBing on these frequencies. YOU MUST KEEP IN MIND THAT IT WILL

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BE FAR EASIER, AND MORE PRODUCTIVE DOLLAR WISE, TO GET AN UNLICENSED USER TO COMPLY WITH THE RULES AND REGULATIONS THIS WAY, THAN BY TRYING TO CATCH HIM AND ASSESSING A FINE.

25. The FCC should take steps to insure that there is sufficient information contained in the release, and presented in an unantagonistic way, so it will be of interesting to the public.

26. IN THE PUBLICITY RELEASE, COMMENT SHOULD BE MADE SO THAT THIS AMNESTY ALSO APPLIES TO VARIOUS GOVERNMENTAL AGENCIES THAT HAVE NON-CONFORMING USAGES. IT SHOULD GO ON TO SAY THAT THIS IS A TIME FOR ALL AGENCIES, INCLUDING LAW ENFORCEMENT AGENCIES, TO REVIEW THEIR PLMR LICENSES TO INSURE THAT THEY HAVE FULLY CONFORMING USAGES.

27. A quick review of the licensing procedure outlined in paragraph 16, will quickly reveal that here is a procedure that will provide the miscreant with a way of coming in from the cold without being asked incriminating questions. He will be treated with the same dignity, and respect, as an applicant that is asking for a PLMR License for the first time. No distinction must be made between the two. IT IS IMPORTANT THAT THIS FRAMEWORK REMAIN IN PLACE IN ORDER TO MINIMIZE THE REALITY OF CB USE OF PLMR FREQUENCIES.

28. The down side of this is that the FCC will never know how many of the presently Unlicensed users will ever have been converted to Licensed users. The FCC must never pay any attention to this. The Commission should take the attitude that this is an honest inducement to try to correct this problem. To try to attempt to know how effective the new policy is will only

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serve to run counter to the objective. Or to put this another way, if an unlicensed PLMR user thinks that the Commission is attempting to keep records on this amnesty operation, and he in particular, it will compromise the effectiveness of the whole activity. Chances are that that unlicensed user will not call in for fear his call being recorded, or of being prosecuted for being an unlicensed user. THESE TWO ACTIVITIES MUST BE AVOIDED AT ALL COSTS, AND NO ACTION OF THE PART OF THE FCC SHOULD BE MADE THAT WOULD SEEM TO INDICATE, TO THE CALLER. THAT THESE MIGHT BE MADE.

29. Keep in mind that if something isn't done, in a progressive way, to change the way, and the attitude, which the FCC presents to the public, with respect to their licensing process, the consequences are, and that before the turn of the century that the same thing that happened to the Citizen Band, is very likely to happen to the PLMR band.

30. It may not be reasonable to try to get any of these new licensees to use the new Digital Frequencies. In spite of what the underlying feelings might be, one has to keep in mind that the unlicensed users may already be using a PLMR FM frequency.

31. Trying to get any caller from using a frequency other than the one he has suggested can be a great deterrent to an unlicensed user from making the call in the first place. Pointing out to the caller that the use of one of the new frequencies will insure that the caller will have a frequency that is not presently in use by other operators might be sufficient inducement to get the caller to use the Part 88 frequencies. The

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problem which the FCC will be coping with here is that the caller may have the requested frequency he already has in use, and he may not like the cost of changing all of his equipment over to the new frequency.

32. The FCC should not ask too many questions of the telephone callers. So, when a caller asks for the use of a particular frequency, the FCC should only ask if the caller is acquainted with the frequency, and knows if there is sufficient unused time available, so as not to cause a problem. If the frequency that is requested is one of the ones that is reserved for Governmental operations, or Law Enforcement, this should be brought to the callers attention. The case may be that the caller is making a call for one of these agencies. If this is so the call should be handled in the same way as if it is an unlicensed operator that wants to come in from the cold. The writer has reason to believe that some operators in these categories do not have fully conforming operations.

33. It is reasonable to originally provide a CTA for a certain frequency, but then indicating, in the licensing package, that the user will need to provide more information in order to have authority for its continued use during a normal licensing period.

34. At the end of the year after the adoption of Docket PR 92-235 several things should be done:

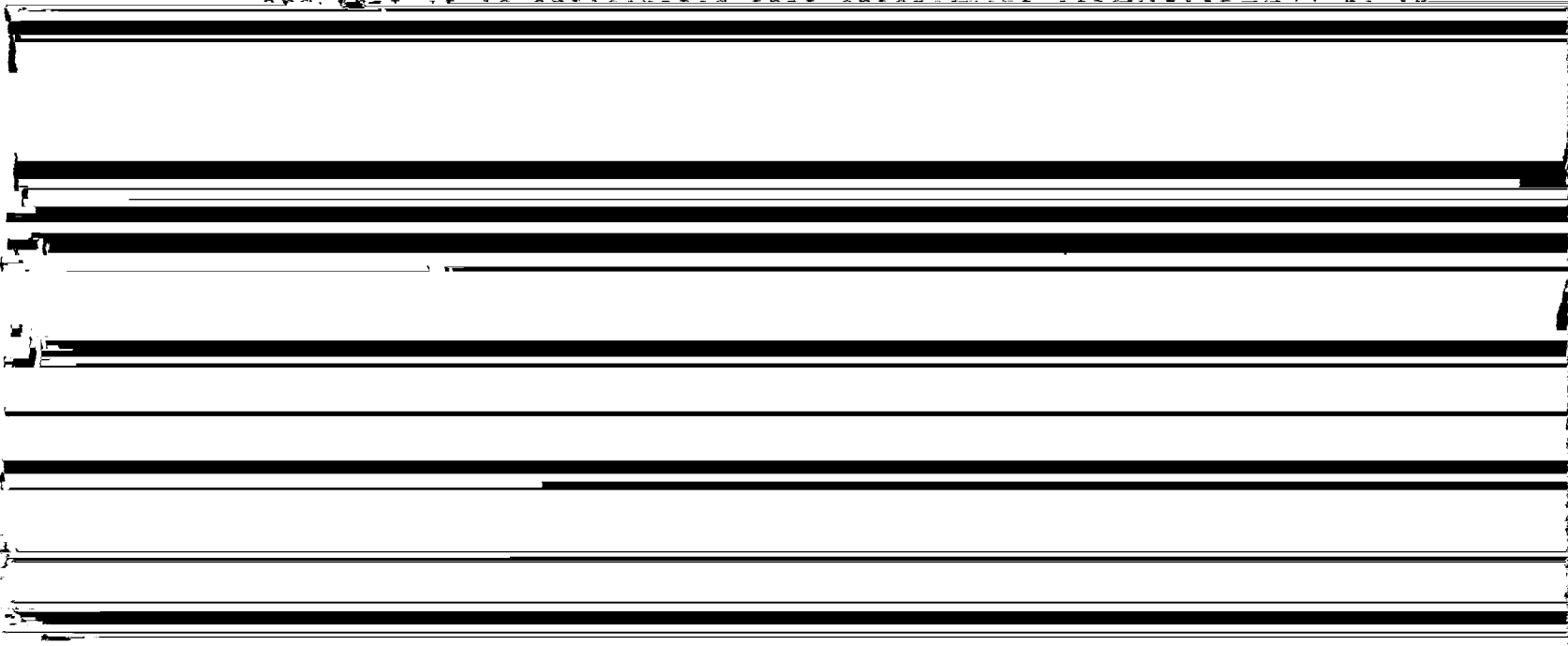
First, the FCC should stop the addition of any other licensees to

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the Part 90 listed frequencies. All of the existing users will be grandfathered as is.

Second, No more users should be licensed to the existing Part 90 frequencies until all of the new Part 88 frequencies have been filled. After this time new licenses can be authorized in place of the grandfathered frequencies/licensees have been abandoned.

Third. the FCC should start a program of PLMR enforcement. It is reasonable to think that most of the Unlicensed users will be on the Part 90 PLMR frequencies, this is the logical place to start. As part of this program should be publicity releases that will precede the start up. Some explanation should be given about the dates where is is positively known when, and where, the enforcement program will be actually in effect. With this should be the warning, the dates given are the minimum scheduled days, and that it is anticipated that enforcement activities will be in



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get this way is not important, it is the end result that counts.

Don't scare off any unlicensed operators who might want to come